

SEVENTEENTH DAY

(Thursday, January 31, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called and the following members were present:

Mr. Speaker	Hartzog
Adamson	Head
Adkins	Herzik
Aikin	Hill
Alexander	Hodges
Alsup	Hofheinz
Ash	Holland
Atchison	Hoskins
Beck	Howard
Bergman	Huddleston
Bourne	Hughes
Bradbury	Hunt
Bradford	Hunter
Broyles	Hyder
Burton	Jackson
Butler of Brazos	James
Butler of Karnes	Jefferson
Cagle	Jones of Atascosa
Caldwell	Jones of Falls
Calvert	Jones of Runnels
Canon	Jones of Shelby
Celaya	Jones of Wise
Clayton	Keefe
Collins	King
Colquitt	Knetsch
Colson	Lange
Cooper	Lanning
Cowley	Latham
Craddock	Leath
Crossley	Lemens
Daniel	Leonard
Davis	Lindsey
Davison of Fisher	Lotief
Dickison	Lucas
Dunagan	Luker
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McCalla
Duvall	McConnell
Dwyer	McFarland
England	McKee
Fain	McKinney
Farmer	Moffett
Fitzwater	Moore
Ford	Morris
Fox	Morrison
Frazer	Morse
Fuchs	Newton
Gibson	Nicholson
Glass	Olsen
Good	Padgett
Graves	Palmer
Gray	Patterson
Greathouse	Payne
Hankamer	Petsch
Hardin	Pope
Harris of Archer	Quinn
Harris of Dallas	Reader

Reed of Bowie	Steward
Reed of Dallas	Stinson
Riddle	Stovall
Roach of Angelina	Tarwater
Roach of Hunt	Tennyson
Roane	Thornton
Roark	Tillery
Roberts	Venable
Rogers	Waggoner
Russell	Walker
Rutta	Westfall
Scarborough	Wood of Harrison
Settle	Wood of Montague
Shofner	Worley
Smith	Young
Spears	Youngblood
Stanfield	

Absent—Excused

Davisson	Fisher
of Eastland	Wells

A quorum was announced present.

Prayer was offered by Rev. Geo. W. Coltrin, Chaplain.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Wells and Mr. Davisson of Eastland for today, on motion of Mr. Head.

The following member was granted leave of absence on account of illness:

Mr. Fisher for today, on motion of Mr. Keefe.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Shofner:

H. B. No. 367, A bill to be entitled "An Act amending Article 6203, Section 3, as amended by Acts of 1929, Forty-first Legislature, First Called Session, page 99, Chapter 45, and as amended by Acts of 1930, Forty-first Legislature, Fifth Called Session, page 126, Chapter 11, Section 2."

Referred to Committee on Penitentiaries.

By Mr. Alexander:

H. B. No. 368, A bill to be entitled "An Act changing the time of holding the terms of the district court in the One Hundredth Judicial District,

and providing that all process and writs heretofore issued and all recognizances and bonds heretofore made and executed and returned to existing terms of district court in the counties composing said district, together with jurors heretofore selected, are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms; repealing all conflicting laws; fixing the effective date of the Act, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Roach of Angelina:

H. B. No. 369, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas, so as to provide that a defendant in jail on account of his failure to pay the fine and costs adjudged against him, can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, rating such imprisonment at one dollar per day; providing no credit shall be allowed for Sundays during such imprisonment, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Roach of Angelina:

H. B. No. 370, A bill to be entitled "An Act to amend Article 793 of the Code of Criminal Procedure of the State of Texas, so as to provide that a defendant convicted of a misdemeanor, and his punishment is assessed at a pecuniary fine and he is unable to pay his fine, he may be put to work in the workhouse, or on the county farm or public improvements of the county, or imprisoned in jail for a sufficient length of time to satisfy the fine and costs adjudged against him at the rate of one dollar per day, and providing that he shall not be required to labor on Sundays, and providing that no credit shall be allowed for such imprisonment or labor on Sundays, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Colquitt:

H. B. No. 371, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 220 of the General Laws enacted by the Regular Session of the Forty-third Legislature, by adding thereto a separate article to be known as Article 3883d, providing that the assessor and collector of taxes, the county judge, the sheriff, and the district attorney in any county in this State having an assessed tax valuation of more than two hundred and fifty million dollars (\$250,000,000) according to the last preceding tax roll, may receive and retain maximum fees of seventy-five hundred dollars (\$7,500) per year, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Hartzog (by request):

H. B. No. 372, A bill to be entitled "An Act to amend Article 4875a-21, Revised Civil Statutes of 1928, to provide for an adequate and efficient method of examining local mutual aid associations organized and operating under Chapter 9a of the Revised Civil Statutes of 1925, and providing for an examination of said associations every two years or oftener, if deemed advisable, and giving the examiners appointed access to all books, accounts, and records of such association, and providing for the amount to be paid and assessed against each such association or company as compensation for the examiners and auditors for such work, and providing for the expenses incurred in connection therewith, and for a pro rata proportion of the salaries of the actuary, examination clerks, stenographers, and other employes employed in the Insurance Department in connection with said examination work, the same to be collected upon the bill presented by the Insurance Department and deposited in the State Treasury for the payment of the employes and examiners and the maintenance of the examination division, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Hartzog (by request):

H. B. No. 373, A bill to be entitled "An Act to amend Section 6 of House

Bill No. 303, Chapter 245, page 856, of the Acts of the Regular Session of the Forty-third Legislature to provide for an adequate and efficient method of examining State-wide mutual assessment insurance associations and companies qualifying and or operating under the above chapter, and providing for the examination of said companies and associations every two years or oftener, if deemed advisable, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Jones of Falls and Mr. Butler of Brazos:

H. B. No. 374, A bill to be entitled "An Act amending Title 17, Chapter 6, of the Penal Code of Texas, by adding thereto an article to be known as Article 1404a, defining attempted burglary of a vessel, steamboat, or railroad car, making attempted burglary of a vessel, steamboat, or railroad car a penal offense, and providing the punishment for said offense."

Referred to Committee on Criminal Jurisprudence.

EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communications:

Leonard, Texas, January 29, 1935.

Louise Snow Phinney, Chief Clerk,
House of Representatives, Austin,
Texas.

Dear Mrs. Phinney: We wish to acknowledge with grateful appreciation the kind expression of your sympathy during this dark hour of sorrow in passing of our beloved father and husband, F. A. Rogers.

Also we wish you to do us a favor by reading this letter to the House.

We wish to extend thanks to each and everyone in the House, including each member of the Representatives, stenographers, clerks, and all, for the nice things that have been done and said, and the many letters we have received from each and everyone.

Thanking you, Mrs. Phinney, and all concerned in the sending of the copies of the resolution.

We beg to remain, your friends,

MRS. F. A. ROGERS
and Children.

"The family of Mrs. George W. Littlefield will hold in grateful remembrance your kind expression of sympathy."

INVITATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Travis Post No. 76

American Legion

Austin, Texas, January 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives, Austin, Texas.

Dear Sir: This Post desires to extend to all members of the American Legion serving in the Legislature a cordial invitation to attend our meetings and visit our Legion Home.

We have the finest American Legion Home in the State, located on Dam Boulevard, a continuation of West Sixth Street, and near Deep Eddy Bathing Beach. The Post meets each Monday night at 8 o'clock, and visitors are welcome.

Please call us if we can be of any service in any manner and we shall be happy to serve you.

Yours very truly,

B. J. RUPERT, Commander;

Phone 6366.

PAUL W. BOWMAN, Adjutant.

Phone 5321.

GRANTING PERMISSION TO MAKE CERTAIN PURCHASE FROM THE STATE

Mr. Jefferson offered the following resolution:

Whereas, The House of Representatives of the Forty-fourth Legislature has properly expressed its regret at the death of Uncle Jim Robinson, our beloved Journal Clerk for many years; and

Whereas, At all sessions of the Legislature of which he held the position of Journal Clerk he occupied a certain chair in the House of Representatives; and

Whereas, Miss Gussie Evans, whom we all learned to love as Uncle Jim's able assistant, and who has now been elevated to the position of Journal Clerk of the House, is desirous of purchasing this chair for her own use and to remember Uncle Jim's days

spent in the service of the House; therefore, be it

Resolved, That permission to purchase this chair be given her and that she be advised of the proper authorities with whom to take up the matter of purchase.

The resolution was read second time, and was adopted.

TO PROVIDE FOR THE APPOINTMENT OF COMMITTEE TO STUDY TAX MEASURES

Mr. Huddleston offered the following resolution:

Whereas, There are at this time pending in the Legislature a great number of bills dealing with subjects of taxation concerning the raising or lowering of various taxes heretofore levied and for the purpose of levying additional taxes on the properties and incomes of various corporations of this State; and

Whereas, There are no records available in the State Capitol which give full and complete information relative to facts which the Legislature might know and in order to be able to intelligently pass upon the various issues involved in the tax bills; and

Whereas, This Legislature should know, among other things, the total amount of taxes paid by all corporations doing business in Texas as public utilities, including therein railroad companies, express companies, inter-urban express companies, motor truck express companies, light and power companies, telephone and telegraph companies, pipe line companies, and all other companies engaged in the business of public utilities, as well as life and fire insurance companies, and should further be acquainted with the total amount of the property owned by them; and

Whereas, Neither the Comptroller of the State of Texas nor the Secretary of State, nor any other department or departments of this State possess all of the aforesaid information required by the Legislature; and

Whereas, Such information can only be secured by a duly authorized and appointed committee of this House working in conjunction with the Attorney General, State Auditor, State Comptroller, and Secretary of State; now, therefore, be it

Resolved, That the Speaker of the House of Representatives be directed

to appoint a committee of three, whose duty it shall be to gather the information hereinbefore referred to at the earliest possible time; and be it further

Resolved, That said committee be authorized to charge any and all expenses which might be necessary to secure the information for its compilation for the Legislature, and that the same be paid out of the Contingent Expense Fund of this House; and be it further

Resolved, That the House of Representatives request the co-operation of the Attorney General, State Auditor, Comptroller, and Secretary of State for the purpose of carrying out the duties of the committee; and be it further

Resolved, That said committee is hereby granted express authority and given express direction to inquire into any and all matters which might be deemed pertinent by the committee in order to digest the information hereinbefore referred to, and that the committee be expressly granted the right to obtain information regarding the assets and liabilities, income, and expenses in detail, and the property values as evidenced by the income tax returns of said corporations; and be it further

Resolved, That if it might become necessary hereafter for this committee to be empowered to take evidence in order to secure any of the aforesaid information that then, and in such case, this resolution may be amended to grant such power and authority to said committee.

HUDDLESTON,
HARDIN,
GLASS.

The resolution was read second time.

On motion of Mr. McCalla, the resolution was referred to the Committee on Revenue and Taxation.

RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 22, Inviting Hon. William Murray, former Governor of Oklahoma, to address a Joint Session of the House and Senate.

EXPRESSION OF ESTEEM

Mr. Nicholson offered the following resolution:

H. C. R. No. 23, Expressing esteem for Hon. William Murray.

Whereas, The trend of certain press comment has rather continuously been such as to incline public opinion to the notion that former Governor of the State of Oklahoma, "Alfalfa Bill" Murray, is of the inclinations and of the deportment of a modern political opportunist; and

Whereas, In Joint Session on the date of January 30, 1935, the Senate and House of Representatives of the State of Texas were both honored and constructively employed by an impromptu address on the part of Mr. Murray; and

Whereas, The effect of said address and of the involved personal contact with Mr. Murray was such as to dissipate and forever destroy preconceived, erroneous notions concerning this scholar, statesman, builder, and leader of men; now, therefore, be it

Resolved, That the House of Representatives, the Senate concurring, recognizes in "Alfalfa Bill" Murray in substance and in fact, a profound scholar and thinker; the person of a great philosopher; and that in him—though with no intent to refer to any individual—we recognize an index to leadership of the kind that our future social reconstruction and security dictates; and be it further

Resolved, That the Chief Clerk of the House of Representatives forward a copy of this expression of esteem and resolution to former Governor Murray.

Signed—Nicholson, Walker, Atchison, Rogers, Leonard, Adamson, Tarwater, Young, McKee.

The resolution was read second time, and was adopted.

RELATIVE TO POLICY OF THE NATIONAL ADMINISTRATION IN REGARD TO PUBLIC UTILITIES

Mr. Bradbury offered the following resolution:

H. C. R. No. 24, Relative to policy of the National Administration in regard to public utilities.

Whereas, For the past several years the public utilities of this country have grown to such gigantic propor-

tions that they were threatening the very foundation of our government and economic security of our people; and

Whereas, Such utility companies had formed themselves into holding companies and interlocking combinations to the extent that their control was becoming nearly impossible, and under the Republican rule little or nothing was being done to control such organizations; and

Whereas, With the coming of the Democratic Administration steps were immediately taken by the Federal Trade Commission to make a full and complete investigation of said utilities showing to the world their practices and policies which do not meet with the approval of the average American citizen; and

Whereas, Our National Administration set forth upon a great and worthy program to expose the practices of these utilities in an effort to squeeze from them their watered stock and construct great hydro-electric projects to furnish the people cheap electricity by Government-owned plants, and the National Government, through the Public Works Administration, loaned and granted sums of money to various cities for the construction of their own utility plants; and

Whereas, This program and these policies have gone a long way in aiding the public and are expected to extend much farther if the program is properly continued; now, therefore, be it

Resolved, That the Texas House of Representatives, the Senate concurring, go on record and approve, and we do hereby approve, the program of the policies of the National Administration in regard to public utilities; and be it further

Resolved, That the Texas House of Representatives, with the Senate concurring, go on record as approving, and we do hereby approve, the continuance of such a great and worthy program; and be it further

Resolved, That a copy of this resolution be forwarded to the President and Vice President of the United States and the Speaker of the House of Representatives of the National Congress.

BRADBURY,
LOTIEF.

The resolution was read second time.

Mr. Russell moved that the resolution be referred to the Committee on Federal Relations.

Mr. Alsup moved to table the motion to refer the resolution.

The motion to table prevailed.

Question recurring on the resolution, it was adopted.

ADDITIONAL SIGNERS OF HOUSE BILLS AND RESOLUTIONS

By unanimous consent of the House, the following were authorized to sign bills and resolutions, as follows:

Mr. Herzik: House Joint Resolution No. 1.

Mr. Patterson: House Bill No. 365.

Mr. Leath: House Bill No. 351.

On motion of Mr. Graves, by unanimous consent, the names of Messrs. Wood of Harrison, Craddock, Atchison, Stovall, and Jones of Atascosa were added to House Bill No. 365 as signers of the bill.

TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO STUDY EXPENDITURES OF STATE FUNDS

The Speaker laid before the House, for consideration at this time, resolution offered on yesterday by Mr. King, Mr. Pope and others, relative to the appointment of a committee to study expenditures of State funds;

The resolution having been read second time on yesterday.

Mr. Alexander moved that further consideration of the resolution be postponed until 10 o'clock a. m., tomorrow.

The motion prevailed.

SENATE BILL NO. 81 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 81, A bill to be entitled "An Act amending Article 4204 of the Revised Civil Statutes of 1925, by adding thereto a provision authorizing guardians of estates owning real estate which has been foreclosed upon to file an application to the court for authority to convey said real estate to former owner and mortgage debtor thereof who is eligible for a loan thereon from the Home Owners' Loan Corporation, the Federal Land Bank or any other

entity, corporation or agency now created, or hereafter to be created, by any Act or Acts of Congress or of the State of Texas, for a consideration partly or entirely evidenced by vendor's lien notes, authorizing an order to be entered thereon approving such conveyance, authorizing the assignment of the notes taken in exchange for the conveyance to such leading agency in exchange for bonds thereof, providing that the provision of Article 4204, in regard to credit sales of real estate by guardians may be dispensed with in all such cases, and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 81 ON THIRD READING

Mr. Morse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Fuchs
Adkins	Gibson
Aikin	Glass
Alexander	Good
Alsup	Graves
Ash	Gray
Beck	Hankamer
Bourne	Harris of Dallas
Broyles	Hartzog
Burton	Hill
Butler of Brazos	Hodges
Butler of Karnes	Hofheinz
Cagle	Holland
Caldwell	Hoskins
Calvert	Howard
Canon	Huddleston
Celaya	Hughes
Clayton	Hunt
Collins	Hunter
Colquitt	Hyder
Colson	Jackson
Cooper	James
Cowley	Jefferson
Craddock	Jones of Atascosa
Crossley	Jones of Runnels
Daniel	Jones of Shelby
Dickison	Jones of Wise
Dunagan	Keefe
Dunlap of Hays	King
England	Lanning
Fitzwater	Latham
Ford	Leath
Fox	Lemens
Frazer	Lotief

Lucas	Roberts
Luker	Rogers
Mauritz	Russell
McCalla	Rutta
McConnell	Settle
McFarland	Shofner
McKinney	Spears
Moffett	Stanfield
Moore	Steward
Morris	Stinson
Morrison	Stovall
Morse	Tennynson
Olsen	Thornton
Palmer	Tillery
Patterson	Venable
Pope	Waggoner
Reed of Bowie	Walker
Reed of Dallas	Westfall
Roach of Hunt	Wood of Harrison
Roane	Wood of Montague
Roark	Young

Nays—9

Bergman	Knetsch
Bradbury	Lindsey
Fain	McKee
Farmer	Youngblood
Greathouse	

Present—Not Voting

Davis

Absent

Atchison	Newton
Bradford	Nicholson
Davison of Fisher	Padgett
Dunlap of Kleberg	Payne
Duvall	Petsch
Dwyer	Quinn
Hardin	Reader
Harris of Archer	Riddle
Head	Roach of Angelina
Herzik	Scarborough
Jones of Falls	Smith
Lange	Tarwater
Leonard	Worley

Absent—Excused

Davisson	Fisher
of Eastland	Wells

The Speaker then laid Senate Bill No. 81 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—112

Adamson	Burton
Alexander	Butler of Brazos
Alsup	Butler of Karnes
Atchison	Cagle
Beck	Caldwell
Bourne	Calvert
Bradford	Canon
Broyles	Clayton

Collins	Latham
Colquitt	Leath
Colson	Lemens
Cooper	Lucas
Crossley	Luker
Daniel	Mauritz
Davis	McCalla
Dickison	McConnell
Dunagan	McFarland
Dunlap of Hays	McKinney
Dunlap of Kleberg	Moffett
England	Moore
Fitzwater	Morris
Ford	Morse
Fox	Newton
Frazer	Olsen
Fuchs	Padgett
Gibson	Palmer
Glass	Patterson
Good	Payne
Graves	Pope
Gray	Quinn
Hankamer	Reed of Bowie
Harris of Archer	Reed of Dallas
Harris of Dallas	Roach of Angelina
Hartzog	Roach of Hunt
Head	Roane
Hill	Roark
Hodges	Roberts
Hofheinz	Rogers
Holland	Russell
Hoskins	Rutta
Howard	Settle
Huddleston	Smith
Hughes	Spears
Hunt	Stanfield
Hunter	Steward
Hyder	Stinson
Jackson	Stovall
James	Thornton
Jefferson	Tillery
Jones of Atascosa	Venable
Jones of Runnels	Waggoner
Jones of Shelby	Walker
Jones of Wise	Westfall
Keefe	Wood of Harrison
King	Wood of Montague
Lanning	Young

Nays—14

Aikin	Knetsch
Bergman	Lindsey
Bradbury	Lotief
Davison of Fisher	McKee
Fain	Morrison
Farmer	Shofner
Greathouse	Youngblood

Absent

Adkins	Hardin
Ash	Herzik
Celaya	Jones of Falls
Cowley	Lange
Craddock	Leonard
Duvall	Nicholson
Dwyer	Petsch

Reader	Tarwater
Riddle	Tennyson
Scarborough	Worley

Absent—Excused

Davisson	Fisher
of Eastland	Wells

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, January 31, 1935.
Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 186, A bill to be entitled "An Act appropriating seven thousand three hundred and fifty dollars (\$7,350), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the salaries of the three District Judges of the Special District Courts for Smith County, Rusk County, and Gregg County, and declaring an emergency."

Respectfully,
BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 76 ON SECOND READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 76, A bill to be entitled "An Act to amend Sections 1, 2, 3, 5, 9, and 12 of Senate Bill No. 3, Chapter 16, page No. 42, of the General and Special Laws of Texas, passed at the Second Called Session of the Forty-third Legislature of the State of Texas, 1934, so as to extend the effective date of said Chapter 16 to August 1, 1936, and declaring an emergency."

The bill was read second time.

Mr. Greathouse offered the following amendments to the bill:

(1)

Amend House Bill No. 76 by inserting just above the enacting clause the following:

"Preamble.

Whereas, It is the belief and the declared policy of the Legislature of the State of Texas that the decision

and judgment of the Honorable Supreme Court of Texas, in the case of Travelers Insurance Company vs. Marshall, reported in 76 S. W. (2nd), at page 1007 thereof, declaring invalid and unconstitutional the last Moratorium Act of the Forty-third Legislature, Second Called Session, being Chapter 16 of the General and Special Laws passed at said session, is in contravention of Article 6, Clause 2, of the Constitution of the United States which declares that 'This (Federal) Constitution * * * shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding; and

Whereas, The severe financial and economical crisis and depression existing for several years has not passed, and the same has resulted in extremely low prices for the products of the farms, ranches, and factories, and a great amount of unemployment, and almost complete lack of credit for farmers, business men and property owners, and a general and extreme stagnation of business, agriculture, and industry; and

Whereas, Many owners of real property, by reason of such conditions, are unable, and, it is believed, will be for some time, unable to meet all demands as they may become due for taxes, interest, and principal of mortgages on their properties, and are, therefore, threatened with loss of such properties through mortgage foreclosure and judicial sales thereof; and

Whereas, Many such properties have been and are being bid in at forced sales for prices much below what is believed to be their real values, and often for much less than the amount of indebtedness constituting a lien upon the same, thus entailing deficiency judgments against the makers of such indebtedness and liens; and

Whereas, It is believed, and the Legislature of the State of Texas hereby declares its belief, that the conditions existing as hereinbefore set forth have created an emergency of such nature that justifies and validates legislation for the temporary creation of a period of relief for the owners of property and for the postponement of forced sales of real estate, and other relief of like character; and

Whereas, The sovereign State of

Texas possesses the right, under its police power, to declare a state of emergency to exist; and

Whereas, The inherent and fundamental purpose of our government is to safeguard the people and to promote the general welfare of the people; and

Whereas, Under existing conditions sales under deeds of trust would prevent fair, open, and competitive bidding at the time of such sale, in the manner now contemplated by law; and

Whereas, It is believed, and the Legislature of Texas hereby declares its belief, that the conditions existing as hereinabove set forth, have created an emergency of such a nature that justifies and validates changes in legislation providing for the temporary manner, method, terms, and conditions upon which forced sales under deeds of trust may be had or postponed, and jurisdiction to administer equitable relief in connection therewith may be conferred upon the district courts of Texas."

(2)

Amend House Bill No. 76 by striking out the words "and declaring an emergency" in lines 11 and 12, on page 1 of said bill, and insert after the figures "1936," in line 11 of said page 1, the following:

"Temporarily enlarging the powers of the district courts of this State to grant continuance and stays of execution in suits to foreclose liens upon real property, and to grant restraining orders and temporary injunctions restraining sales of real estate under deeds of trust and other contracts and sales under executions and orders of sale; specifying the necessary allegations for motions for continuance, application for stay orders, and petitions for injunction, and prescribing the contents of orders granting such continuances, stay orders and injunctions; providing for payment of rent on real property involved; prescribing the duration of stay orders, continuances, and injunctions, and for the renewal thereof and the dissolution thereof; prescribing that such motions and petitions for such relief shall be addressed to the sound discretion of the trial court, and that the refusal of such relief shall be reviewable on appeal; providing for the appointment of receivers, for the entry of judgments by agreement, suspending

statutes of limitation as to real property for which relief under this Act is involved; making the several provisions of the Act separate and distinct; extending the Act to guarantors, sureties, and indorsers where payment of debt is postponed for party primarily liable; repealing all laws in conflict, and declaring an emergency."

GREATHOUSE,
POPE.

The amendments were severally adopted.

House Bill No. 76 was then passed to engrossment.

HOUSE BILL NO. 76 ON THIRD READING

Mr. Greathouse moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 76 be placed on its third reading and final passage:

The motion prevailed by the following vote:

Yeas—110

Adamson	Harris of Archer
Adkins	Harris of Dallas
Aikin	Hartzog
Alexander	Herzik
Alsup	Hodges
Bourne	Hofheinz
Bradbury	Holland
Broyles	Hoskins
Burton	Howard
Butler of Karnes	Huddleston
Canon	Hunt
Colson	Hunter
Cooper	Hyder
Cowley	James
Craddock	Jones of Atascosa
Crossley	Jones of Runnels
Daniel	Jones of Shelby
Davis	Jones of Wise
Davison of Fisher	Keefe
Dunagan	King
Dunlap of Hays	Knetsch
Dunlap of Kleberg	Lange
Duvall	Lanning
England	Leath
Fain	Lemens
Farmer	Leonard
Fitzwater	Lindsey
Ford	Lotief
Fuchs	Lucas
Gibson	Luker
Glass	Mauritz
Graves	McCalla
Gray	McConnell
Greathouse	McFarland
Hardin	McKinney

Moffett	Rogers
Moore	Russell
Morris	Rutta
Morrison	Shofner
Newton	Smith
Nicholson	Spears
Olsen	Stanfield
Padgett	Steward
Palmer	Stinson
Patterson	Stovall
Payne	Tarwater
Pope	Tennyson
Quinn	Thornton
Reed of Bowie	Venable
Reed of Dallas	Waggoner
Riddle	Walker
Roach of Angelina	Westfall
Roach of Hunt	Wood of Harrison
Roark	Wood of Montague
Roberts	Youngblood

Nays—14

Bergman	Fox
Cagle	Good
Caldwell	Hankamer
Calvert	Head
Clayton	Hughes
Collins	Morse
Colquitt	Roane

Absent

Ash	Jefferson
Atchison	Jones of Falls
Beck	Latham
Bradford	McKee
Butler of Brazos	Petsch
Celaya	Reader
Dickison	Scarborough
Dwyer	Settle
Frazer	Tillery
Hill	Worley
Jackson	Young

Absent—Excused

Davisson	Fisher
of Eastland	Wells

The Speaker then laid House Bill No. 76 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—111

Adamson	Butler of Karnes
Adkins	Caldwell
Aikin	Canon
Alexander	Colson
Alsup	Cooper
Bourne	Cowley
Bradbury	Craddock
Bradford	Daniel
Broyles	Davis
Burton	Davison of Fisher

Dickison	Luker
Dunagan	Mauritz
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
Duvall	McKinney
Dwyer	Moffett
England	Moore
Fain	Morris
Farmer	Morrison
Fitzwater	Newton
Fuchs	Nicholson
Gibson	Olsen
Glass	Padgett
Gray	Palmer
Greathouse	Patterson
Hardin	Payne
Harris of Archer	Pope
Harris of Dallas	Quinn
Hartzog	Reed of Bowie
Herzik	Riddle
Hodges	Roach of Angelina
Hofheinz	Roach of Hunt
Holland	Roark
Hoskins	Roberts
Howard	Rogers
Huddleston	Russell
Hunt	Rutta
Hunter	Shofner
Hyder	Smith
James	Spears
Jefferson	Stanfield
Jones of Atascosa	Steward
Jones of Runnels	Stinson
Jones of Shelby	Stovall
Jones of Wise	Tarwater
Keefe	Tennyson
King	Thornton
Knetsch	Venable
Lange	Waggoner
Lanning	Walker
Leath	Westfall
Lemens	Wood of Harrison
Leonard	Wood of Montague
Lindsey	Young
Lotief	Youngblood
Lucas	

Nays—19

Bergman	Graves
Cagle	Hankamer
Calvert	Head
Clayton	Hughes
Collins	Jones of Falls
Colquitt	McCalla
Crossley	Morse
Ford	Petsch
Fox	Roane
Good	

Absent

Ash	Latham
Atchison	McKee
Beck	Reader
Butler of Brazos	Reed of Dallas
Celaya	Scarborough
Frazer	Settle
Hill	Tillery
Jackson	Worley

Absent—Excused

Davisson
of Eastland

Fisher
Wells

REASON FOR VOTE ON HOUSE
BILL NO. 76

Although it is my strong desire to respect the decisions of our Supreme Court, and articles of our Constitution, but since it is sincerely felt by many citizens of Texas that the subject matter of this measure involves a Federal question and should be appealed to the Supreme Court of the United States; since the time for such appeal from a former holding on this question has practically passed, and since the homes and property of thousands of citizens of Texas are about to be swept away, and time will not permit an amendment of the Constitution to offer relief, I vote for this measure.

McCONNELL.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 186, to the Committee on Appropriations.

ADJOURNMENT

Mr. Westfall moved that the House adjourn until 9 o'clock a. m., tomorrow.

Mr. Smith moved that the House adjourn until 10 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Westfall, it was lost.

Question then recurring on the motion by Mr. Smith, it prevailed, and the House, accordingly, at 12:25 p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Criminal Jurisprudence: House Bills Nos. 21, 56, 219, and 295.

Education: House Bills Nos. 13 and 14.

Game and Fisheries: House Bills Nos. 101, 113, 175, 303, 294, and 272.

Judiciary: House Bills Nos. 149 and 308.

Labor: House Bills Nos. 32 and 283.

Municipal and Private Corporations: House Bill No. 265.

Public Health: House Bills Nos. 133 and 356.

REPORT OF THE COMMITTEE ON
ENROLLED BILLS

Committee Room,

Austin, Texas, January 30, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 22, Inviting Hon. "Alfalfa Bill" Murray, former Governor of the State of Oklahoma, to address a Joint Session of the House and Senate,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

EIGHTEENTH DAY

(Friday, February 1, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Cowley
Adamson	Craddock
Adkins	Crossley
Aikin	Daniel
Alexander	Davis
Ash	Davisson of Fisher
Beck	Davisson
Bergman	of Eastland
Bourne	Dickison
Bradbury	Dunagan
Bradford	Dunlap of Hays
Broyles	Dunlap of Kleberg
Burton	Duvall
Butler of Brazos	Dwyer
Butler of Karnes	England
Cagle	Fain
Caldwell	Farmer
Calvert	Fisher
Canon	Fitzwater
Celaya	Ford
Clayton	Fox
Collins	Frazer
Colquitt	Fuchs
Colson	Gibson
Cooper	Glass